

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**RANDY BURTON**

**PETITIONER**

**v.**

**NO. 1:05CV280-D-D**

**CHRISTOPHER EPPS, ET AL.**

**DEFENDANTS**

**FINAL JUDGMENT**

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated February 15, 2006, and the March 22, 2006, objections to the Report and Recommendation, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

**ORDERED:**

1. That the Report and Recommendation of the United States Magistrate Judge dated February 15, 2006, is hereby approved and adopted as the opinion of the court.
2. That the state's January 23, 2006, motion to dismiss is hereby **GRANTED**.
3. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** with prejudice and without evidentiary hearing as untimely filed under 28 U.S.C. § 2244(d).
4. That this case is **CLOSED**.

THIS, the 23rd day of March, 2006.

/s/ Glen H. Davidson  
CHIEF JUDGE